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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,550

Applicant(s)

ZERLAN ET AL.

Examiner

Sharad K. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-23 is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

I. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim 13 is cancelled.

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 7, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selig (US 5764726) in view of Nakamura [US 5943617].

Regarding claims 1, 5, 7, 11 Selig disclosed a method of automatically testing a communications system (abstract), comprising, in combination:

(a) using a test host (10; fig.1) to cause a first communication device (16; fig.1) to send a first test signal into a communications channel; (col.3; 25-67)

(b) receiving a second test signal in the test host from the communications channel via a second communication device; (col.3; 25-67 and col.4; 41-62)

Selig failed to disclose a comparison between the first test signal and the second test signal. However, Nakamura teaches in an analogous art, that (c) the test host performing a

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comparison between the first test signal and the second test signal; (col.6; 1-12) and (d) the test host providing an output indicative of a result of the comparison. (col.6; 13-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a comparison between the first test signal and the second test signal in order to provide a test system for use in measuring conditions of radio channels within each of radio service zones of radio base stations in the mobile telecommunication system.

Regarding claim 3, Selig disclosed all the particulars of the claim except the first test signal comprises a digital data file. However, Nakamura teaches in an analogous art, that The method of claim 2, wherein the first test signal comprises a digital data file. (bits; col.6; 1-12) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the first test signal comprises a digital data file in order to provide a test system for use in measuring conditions of radio channels of particular type of data file in the mobile telecommunication system.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selig & Nakamura further in view of Anderson.

Regarding Claim 4, the above combination disclosed all the particulars of the claim except the digital data file is a TIFF file. However, Anderson teaches in an analogous art, that The method of claim 2, wherein the digital data file is a TIFF file. (col.9; 14-21). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time of invention to include the digital data file is a TIFF file in order to provide a simulated output file.

Claims 6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selig & Nakamura further in view of Ortiz Perez et al.

Regarding Claim 6, the above combination disclosed all the particulars of the claim except the first test signal represents dialed digits and the second test signal comprises a ring signal. However, Ortiz Perez teaches in an analogous art, that The method of claim 1, wherein the first test signal represents dialed digits and the second test signal comprises a ring signal. (col.13; 22-36) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the first test signal represents dialed digits and the second test signal comprises a ring signal in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

Regarding Claim 8, the above combination disclosed all the particulars of the claim except a landline modem. However, Ortiz Perez teaches in an analogous art, that The method of claim 1, wherein each of the first communication device and second communication device is selected from the group consisting of (i) a mobile station, and (ii) a landline modem. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a landline modem in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

Regarding Claim 9, the above combination disclosed all the particulars of the claim except a non-simulated mobile station. However, Ortiz Perez teaches in an analogous art, that The method of claim 1, wherein at least the first communication device comprises a non-simulated mobile station. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a non-simulated mobile station in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

Regarding Claim 10, the above combination disclosed all the particulars of the claim except a non-simulated mobile station. However, Ortiz Perez teaches in an analogous art, that The method of claim 1, wherein the first communication device and the second communication device are non-simulated mobile stations. (col.5; 12-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a non-simulated mobile station in order to provide a self-diagnostic system for a checking all functions of a cellular-transceiver system having a cellular interface unit.

Allowable Subject Matter

III. The following is an examiner's statement of reasons for allowance:

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Vambaris et al. disclose a monitoring arrangement including a processor to control a transceiver capable of initiating an upstream test call to at least one predetermined number on an uplink via a BTS under test, the predetermined number accessing first tone generator means arranged to transmit a first tone signal via a downlink corresponding to said uplink to the transceiver, first monitor means to detect reception of the first tone signal and to inform the processor of reception of the first tone signal, the processor recording an error when the first tone signal is not received in response to the initiation of a call. The processor causes a record of the test results to be stored in a memory.

Knippelmeir disclose a test set, located within a cell site (fixed or mobile), which is programmed to monitor voice channels by calling a responder connected to the switch of the MTSO serving the cell.

Price et al. disclose a system for testing a radio paging system and, in particular, relates to a transmitter test module and a mobile test bed which generate error, message completion, range, and similar paging test information for a number of transmitting radio stations and for a variety of test sites.

Therefore, all of the above prior art fails to disclose a test host communicatively coupled to the first communication device and the second communication device, the test host including:

- (a) a sending component that causes the first communication device to send the first test signal into the network;
- (b) a receiving component that receives the second test signal from the second communication device,

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(c) a comparing component that makes a comparison of the first test signal to the second test signal; and

(d) a display that indicates the result the comparison.

Claim 13 is cancelled.

Claims 12 & 14-23 are allowed based on Selig (US 5764726) in view of Nakamura [US 5943617].

IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on Mon-Fri. (8:10-4:40).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.



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May 31, 2005